

Elizabeth F. Rojas
15260 Ventura Blvd.
Suite 710
Sherman Oaks, CA 91403
Telephone: (818) 933-5700
Facsimile: (818) 933-5755

**UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA - SAN FERNANDO VALLEY DIVISION**

IN RE

Salomon Llanos

DEBTOR

CHAPTER 13
CASE NO. 1:18-bk-12557-MT

**TRUSTEE'S OBJECTION TO CONFIRMATION
OF PLAN; DECLARATION; NOTICE OF
POSSIBLE DISMISSAL OR CONVERSION**

DATE/TIME: February 26, 2019 9:30 am
21041 Burbank Blvd.
Courtroom 302
Woodland Hills, CA 91367-1367

The Trustee objects to confirmation of the plan because all requirements for confirmation as set forth in Title 11 of the United States Code and the Rules have not been met.

The Trustee requests, should all requirements not be met, that confirmation of the plan be denied, the case be dismissed or converted to Chapter 7 and for such other relief as the Court may deem appropriate.

THE FAILURE OF THE DEBTOR (OR THE ATTORNEY FOR THE DEBTOR) TO APPEAR AT THE CONFIRMATION HEARING, OR TO FULLY COMPLY WITH ALL REQUIREMENTS FOR PLAN CONFIRMATION, MAY RESULT IN DISMISSAL OR CONVERSION OF THE CASE.

DATED: February 25, 2019

/s/ Elizabeth F. Rojas

I, Elizabeth F. Rojas, declare as follows:

1. I am the Trustee in this matter, Salomon Llanos, 1:18-bk-12557-MT, and I have personal knowledge of files and records kept by my office in the regular course of business. I have personally reviewed the files and records kept by my office in the within case. The following facts are true and correct and within my own personal knowledge and I could and would testify competently thereto if called upon to do so.
2. I object to confirmation of the proposed plan because of the deficiencies set forth in the attached which is incorporated herein by reference. These deficiencies existed prior to or at the time of the 11 USC §341(a) meeting in this matter.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sherman Oaks, California on February 25, 2019.

/s/ Elizabeth F. Rojas

I oppose plan confirmation because the **Debtor has failed to**:

- ☐ schedule debts within the limits of 11 USC §109(e); and therefore **ineligible**; and/or Debtor is not eligible to be a Chapter 13 Debtor as follows:
- ☐ **disclose** [11 USC §521, LBR 1017-1(b)]
☐ assets ☐ creditors ☐ income ☐ prior case
- ☐ **serve all** creditors using court mandated notice form with a copy of the plan pursuant to FRBPs 2002(b), 7004 and LBR 3015-1(b)(3);
- ☒ provide the Trustee **documentation of all income** (as well as any contributor's income) seven days before the §341(a) Meeting of Creditors. LBR 3015-1(c)(3), 11 USC § 521;
- 2017 Tax Return-NOT REQ'D TO FILE PER TAX DECL.
- 2018 Tax Return
- ☒ meet the **business reporting requirements** regarding Debtor's business or self-employment, LBR 3015-1(c)(4);
- 2017 Tax Return-NOT REQ'D TO FILE PER TAX DECL.
- 2018 Tax Return
- ☒ provide to the Trustee completed copies of the Federal and State **income tax returns**, 11 USC § 1308 and 521, LBR 3015-1(c)(3).
- 2017 Tax Return-NOT REQ'D TO FILE PER TAX DECL.
- 2018 Tax Return
- ☐ propose a plan that is feasible 11 USC § 1325(a)(6); the plan may be **infeasible** because
☐ certain claims are not included and/or the amount provided is insufficient

Comparison of Filed Claims to Claims Stated in Plan:

<u>Creditor</u>	<u>Acct #</u>	<u>Class</u>	<u>Claim</u>	<u>Plan</u>	<u>Notes</u>
FTB		1/P	\$13,387	\$13,387?	
Statebridge	9948	2/S	\$38,243	\$66,870	OBJ2POC
Citibank	5826	2/S	??	\$0	

- ☐ income is not sufficient enough to fund it
- ☐ plan payment will not retire debt within term
- ☐ the plan does not propose treatment and/or properly treat all scheduled, priority and/or secured creditors; and/or plan deficiencies as follows:
- ☒ propose a plan that represents the Debtor's **best effort** 11 USC §1322; 11 USC §1325
- Debtor has surplus income per schedules-\$3142 SURPLUS
- What is the basis for claimed homestead exemption?
- Provide evidence of date of birth
- ☒ unreasonable and/or unnecessary expenses are scheduled
- Issues as stated if plan is less than 100%
- Provide evidence of the following expenses-\$1000 HOME MAINT., \$2000 FOOD FOR 4, \$420 ELECTRICITY
- ☐ the budget surplus exceeds the monthly plan payment

- ☒ comply with the Means Test as required by the Code, In re Kagenveama, 541 F3d 868, and/or In re Lanning, 1330 S.Ct.2464
- **Error: Household size is incorrect.**

- ☐ propose a plan that provides creditors as much as would be received under **Chapter 7** 11 USC §1325(a)(4).
- **Chapter 7 distribution would be greater than plan percent: \$272,603 equity in real property not exempt**

- ☒ other issues as stated below:
- **-MUST LIST CREDITOR NAME IN CLASS 1 IN "OTHER" SECTION -\$13,387 TO BE PAID TO UNKNOWN CREDITOR--AMEND PLAN ///**
 - **-CITIBANK LISTED IN CLASS 2, BUT CREDITOR IS REMOVED FROM SCH. D--AMEND PLAN TO REMOVE CREDITOR**
 - **Objecting Creditors: Cascade Funding**
 - **Provide unfiled copy of schedule D to Trustee with complete account #s**

In Re: Salomon Llanos	Chapter 13
Debtor(s)	Case Number: 1:18-bk-12557-MT

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
15260 Ventura Blvd., Suite 710, Sherman Oaks, CA 91403

A true and correct copy of the foregoing document entitled: TRUSTEE'S OBJECTION TO CONFIRMATION OF PLAN; DECLARATION; NOTICE OF POSSIBLE DISMISSAL OR CONVERSION will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On 2/25/2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

UNITED STATES TRUSTEE (SV) USTPREGION16.SV.ECF@USDOJ.GOV

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On 2/25/2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

SALOMON LLANOS, 23741 BURTON STREET, CANOGA PARK, CA 91304
TIFFANY N. BUDA, ESQ., LEXICON LAW PC, 633 W. 5TH STREET, 28TH FLOOR, LOS ANGELES, CA 90071

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL:

Pursuant to F.R.Civ.P.5 and/or controlling LBR, on 2/25/2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

HONORABLE JUDGE MAUREEN TIGHE - VIA OVERNIGHT MAIL

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

2/25/2019

Roderick Mathieson

/s/ Roderick Mathieson

Date

Printed Name

Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

June 2012

F 9013-3.1.PROOF.SERVICE